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ASHLEY SMITH/Times-News

A bill in the Legislature backed by lawmakers, residents and water users aims to restore the Big Wood River between Magic Reservoir and Bellevue.

Bringing back the Big Wood **Bill would allow users to donate unused water to river**

By Jared S. Hopkins
Times-News writer

BOISE - Since the first settlers arrived in Idaho, the Big Wood River has given fish a home and sportsmen a playground.

But for the last 30 years, it has been losing water.

Due to a development boom, increased irrigation and droughts (about one every three years), between nine and 12 miles of the river have seen water levels drop substantially.

Like a thunderhead ready to pour down on land, lawmakers, residents and water users are standing tall with a solution. A bill that got unanimous approval from a Senate committee last week would essentially allow users to donate all or part of their unused water to the river, overseen by a citizen advisory board and the Idaho Department of Water Resources, without losing their rights.

"This is a longtime goal of mine," said the bill's author, Senate Minority Leader Clint Stennett, D-Ketchum. "We think we've answered all the questions and addressed all the issues."

The bill has an unusual structure in Idaho water law, which generally remains unchanged due to the "use it or lose it" element. The only existing tax credit for water users is under federal conservation law and requires full and permanent donations. But under the legislation, people who donate water could receive a tax break.

Rich McIntyre of Hailey, head of the Wood River Legacy Project, said donations could be either partial or total and the donations could expire, depending on what the donor wants.

"The project is a little different now than before but it always involved minimum stream flow," McIntyre said. "It's the first hurdle; certainly we're optimistic."

The water will come from above the District 45 canal for the Silver Creek system while water from below the canal would replenish flows in the lower Big Wood River.

As a result, water delivery would be to down-basin users below Magic Reservoir while replenishing the Big Wood River immediately above the Magic Reservoir.

In the past, some have said the stretch of river only dries up during the summer - a claim disputed by McIntyre.

"It is bad all year round. There are low flows in the river right now and there are low flows in the summer," he said.

The concept will replenish the river while enhancing downstream water supply toward Magic Reservoir, but flows on the Silver Creek side of the Bellevue Triangle would be unaffected and there would be protection to Silver Creek.

Norm Semanko, director of the Idaho Water Users Association, said he sat in people's living rooms in the Bellevue Triangle and Silver Creek to satisfy concerns that included recharge and senior rights.

"That was a major, major issue that had to be addressed and it's addressed," he said. "The fact is we deal with water law day in and day out."

The initial concerns have since been addressed and support comes from stakeholders throughout the Magic Valley. A four-hour meeting a month ago drew more than 100 people requesting amendments that have been incorporated.

One concern was management of recharging, and McIntyre said the process would not end because of the donations.

"Just because you don't see the water doesn't mean it's not there," he said. "What you see is not always what you get."

In many ways, the bill is modeled after legislation the state approved for the Lemhi River, where donations were made to save fish.

Carl Pendleton, representing Lincoln County and director for the Big Wood Canal Company, said fielding donations will take time.

"It's not going to be like we're going to get a big flood," he said. "Donations take time, but it's the first step in trying to get a better handle on all this."

If ultimately signed into law by Gov. C.L. "Butch" Otter, the program is expected to begin in January.

The concept is considered a water-specific idea - not political - and has received bipartisan support.

"If it's one little tenth of a piece that gets us a step farther down the road of trying to restore the health of the aquifer â€- what's the real problem?" Sen. Dean Cameron, R-Rupert, told the Times-News last week. "Our situation is such that we don't have enough water to go around, so we've got to be creative - thinking outside the box."

Statehouse reporter Jared S. Hopkins can be reached at (208) 343-0901 or jhopkins@magicvalley.com